

REMARKS

Status of Claims

Claims 1-6, 8-38, 40-53, and 55-64 were pending at the time the Office Action was issued, with claims 7, 39, and 54 having been previously canceled without prejudice.

Claims 9, 37, and 56 are presently canceled without prejudice.

Claims 1, 9, 18, 31, 38, 48, and 57 are currently amended.

Thus, claims 1-6, 8, 10-36, 38, 40-53, 55, and 57-64 are pending.

Previous Claim Rejections under 35 U.S.C. § 112

The Office Action at Page 3, Paragraph 6, makes the following notation:

The instant application contains no such clear definition for the phrase "available advertising information". In the instant case, the examiner is required to give the term "available advertising information" its broadest reasonable interpretation, which the examiner judges to be any information associated with the available advertisement. That is taught as indicated by the cited prior art in paragraphs 0035 and 0036.

However, Applicant respectfully submits that the phrase "available advertising information" does not appear anywhere in the claims. Thus, to the extent that the Office Action relies on the claims as reciting "available advertising information" as extending or supplementing the meaning of "the cited prior art in paragraphs 0035 and paragraphs 0036" -- by which Applicant has interpreted "cited prior art" to mean U.S. Publication No. 2002/0083444 of Blasko et al. (hereinafter "Blasko") because paragraphs 0035 and 0036 of Blasko have been cited in the Office Action -- with regard to the claims, Applicant respectfully emphasizes that the claims do not recite the element "available advertising information." Neither the claims as originally presented or as amended have recited "available advertising information."

However, Applicant respectfully submits that the Abstract as originally filed did mistakenly state "available advertising information" instead of "available advertising."

Applicant hereby submits a replacement abstract to correct this error. Applicant submits that the replacement abstract introduces no new matter.

Previous Claim Rejections under 35 U.S.C. § 112

The Office Action rejects claims 1-5, 8-17, 31-35, 37-38, 40-52, and 55-64 under 35 U.S.C. § 102(e) as having been anticipated by Blasko. Applicant has canceled claims 37 and 56, thereby rendering moot the rejections of these claims.

Applicants have amended independent claims 1 and 31. Claims 1 and 31, as amended, are reproduced below for the convenience of the Examiner:

1. (Currently Amended) A method for managing television advertising inventory and pricing in a service area, the method comprising:
classifying available advertising into a matrix including a plurality of cells storing advertising information, each of the cells being associated with a channel, a daypart, and a service zone within the service area;
associating with each cell an available advertising inventory,
associating with each cell relevant psychographic viewer information including one or more of viewer spending preferences, viewer interests, and viewer politics and demographic information including one or more of viewer age and viewer gender;
associating with each cell an advertising price settable based on the available advertising inventory and the relevant viewer information; and
accessing one of the available advertising inventory information and the pricing information stored in the matrix by specifying at least one selection criterion reflective of the advertising information stored in the plurality of cells.

31. (Currently Amended) A computer-readable medium having stored thereon instructions for controlling operations of a computer for managing television advertising inventory and pricing in a service area, the computer-readable medium comprising:

first computer program code means for classifying available advertising into a matrix including a plurality of cells storing advertising information, each of the cells being associated with a channel, a daypart, and a service zone within the service area;
second computer program code means for associating with each cell an available advertising inventory,

third computer program code means for associating with each cell relevant psychographic viewer information including one or more of viewer spending preferences, viewer interests, and viewer politics and for associating with each cell relevant demographic information including one or more of viewer age and viewer gender;

fourth computer program code means for associating with each cell an advertising price settable based on the available advertising inventory and the relevant viewer information; and

fifth computer program code means for accessing one of the available advertising inventory information and the pricing information stored in the matrix by specifying at least one selection criterion reflective of the advertising information stored in the plurality of cells.

The Office Action asserts at Page 4 that “associating [with] each cell an available advertising inventory, associating [with] each cell relevant psychographic viewer information including one or more of viewer spending preferences, viewer interests, and viewer politics” is taught by Blasko at Paragraph 0035. Respectfully, this is incorrect.

Paragraph 0035 of Blasko recites the following:

The third database 23 may store TV program viewership data identifying the types or names of TV programs that people in each neighborhood or groups of neighborhoods in the country tend to watch. Marketing firms and other research companies provide such data. For example, the Claritas system can identify the types or names of TV programs that individuals in certain neighborhoods tend to watch. The TV program viewership data may further identify other program data, such as the average viewing time for each program in these neighborhoods. In accordance with one embodiment, the program viewership data may be identified using zip code+4 identifiers.

Respectfully, while Blasko describes “TV viewership data,” which Applicant acknowledges may include demographic information that is separately recited in claims 1 and 31, Blasko fails to teach or suggest TV viewership data that may include psychographic information such as viewer spending preferences, viewer interests, and viewer politics as recited in claims 1 and 31. Blasko teaches no source for obtaining psychographic information or using psychographic information. Even acknowledging that Blasko may incorporate demographic information – that is separately recited in claims 1 and 31 as amended – Blasko discloses nothing that teaches or suggests the use of psychographic information such as viewer spending preferences, viewer interests, and viewer politics. Because Blasko fails to teach each and every

element of claims 1 and 31, Blasko cannot anticipate claims 1 and 31. Thus, Applicant respectfully submits that claims 1 and 31 are in condition for allowance.

Applicants also have amended independent claim 48. Claim 48, as amended, is reproduced below for the convenience of the Examiner:

48. (Currently Amended) A system for managing television advertising inventory and pricing in a service area, the system comprising:
- a computer system comprising:
 - a processor;
 - an input device, operably connected to the processor, allowing data to be entered into the computer system;
 - an output device, operably connected to the processor, allowing data to be output from the computer system;
 - a system memory operably connected to the processor; and
 - at least one storage device operably coupled with the computer system, the storage device being configured to store software and data; and
 - a software system comprising:
 - a classifier configured to classify available advertising into a matrix including a plurality of cells storing advertising information, each of the cells being associated with a channel, a daypart, and a service zone within the service area;
 - an associator configured to associate with each cell an available advertising inventory[.] relevant psychographic viewer information, including one or more of viewer spending preferences, viewer interests, and viewer politics, and relevant demographic information including one or more of viewer age and viewer gender, and a price settable based on the available advertising inventory and the relevant viewer information; and
 - an interface configured to access one of the available advertising inventory information and the pricing information stored in the matrix by specifying at least one selection criterion reflective of the advertising information stored in the plurality of cells.

The Office Action asserts at Page 4 that “associating [with] each cell an available advertising inventory, associating [with] each cell relevant psychographic viewer information including one or more of viewer spending preferences, viewer interests, and viewer politics” is taught by Blasko at Paragraphs 0033-0037 and 0008. As previously described, even acknowledging that Blasko may incorporate demographic information – that is separately recited in claim 48 as amended – Blasko discloses nothing that teaches or suggests the use of

psychographic information such as viewer spending preferences, viewer interests, and viewer politics. Thus, Applicant respectfully submits that claim 48 is in condition for allowance.

Claims 2-5, 8-17, 32-35, 38, 40-47, 49-52, 55, and 57-64 depend from and apply additional limitations to the respective independent claim from which each depends. Accordingly, claims 2-5, 8-17, 32-35, 38, 40-47, 49-52, 55, and 57-64 are allowable for at least the same reasons for which the respective claim from which each claim depends is allowable. Thus, claims 1-5, 8-17, 31-35, 38, 40-52, 55, and 57-64 all are in condition for allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 6, 36, and 53 and claims 18-30 were rejected under 35 U.S.C. § 103(a).

Claims 6, 36, and 53 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Blasko. However, because claims 6, 36, and 53 depend from claims 1, 18, and 48, which have shown to be patentable, claims 6, 36, and 53 are patentable for at least the same reasons for which the claims from which they depend are allowable. Accordingly, applicants submit that claims 6, 36, and 53 are in condition for allowance and that the rejection under 35 U.S.C. § 103(a) should be withdrawn against claims 6, 36, and 53.

Claims 18-30 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Blasko in view of U.S. Patent No. 5,404, 393 to Remillard (hereinafter "Remillard"). Applicant respectfully maintains its traversal of the rejection. Claim 18, as amended, is reproduced below for the convenience of the Examiner:

18. (Currently Amended) A method for managing television advertising inventory and pricing in a service area, the method comprising:
 classifying available advertising into a matrix including a plurality of cells
 storing advertising information, each of the cells being associated with a
 channel, a daypart, and a service zone within the service area;
 associating with each cell an available advertising inventory,
 populating the cells of the matrix with psychographic information regarding
 potential television viewers in the service area, the psychographic
 information being gathered from one of surveys of at least a subset of the
 potential television viewers and set-top boxes configured to relay
 television content from a television service provider and including one or

more of viewer spending preferences, ~~viewer interests~~, and viewer politics;
associating with each cell an advertising price settable based on the available advertising inventory and the psychographic information; and
accessing one of the available advertising inventory information and the pricing information the matrix by specifying at least one selection criterion reflective of the advertising information stored in the plurality of cells.

The Office Action rejects claim 18 over Paragraphs 0034 and 0008 of Blasko, relying on Remillard as motivating one "to gather surveys of potential television viewers to obtain data regarding viewer interest, demographics, and television viewing habits." However, nothing in Blasko or Remillard describes gathering information about viewer spending preferences or viewer politics. In fact, neither the words "spending" nor "politics" is ever used in either reference. Because the references fail, alone or in combination, to teach all of the elements of claim 18, the rejection under 35 U.S.C. § 103(a) must be withdrawn against claim 18, and claim 18 is in condition for allowance.

Claims 19-30 depend from and apply additional limitations to claim 18. Accordingly, claims 19-30 are allowable for at least the same reasons for which claim 18 is allowable. Thus, claims 18-30 all are in condition for allowance.

CONCLUSION

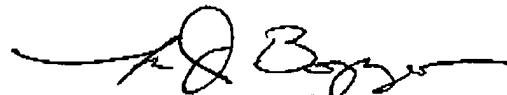
Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this response that have not been specifically noted to overcome a rejection based upon the prior art should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

Respectfully submitted,

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Date



Frank J. Bozzo, Reg. No. 36,756
Leigh Stowell & Co.
18 West Mercer Street
Suite 350
Seattle, Washington 98119
Telephone: (206) 351-2856
Facsimile: (952) 216-3876